

EXHIBIT B

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

HARRY SMITH, JR. and ROSLYN)
WOODARD SMITH, Individually and as)
Administrators of THE ESTATE OF HARRY)
SMITH, III)
Plaintiffs,) Case No. 04-1254-GMS
v.)
JOHN CIRITELLA, THOMAS DEMPSEY,)
and MATTHEW KURTEN,)
Defendants.)

VERDICT FORM

The Constitutional Claims

1. Do you find by a preponderance of the evidence that any of the defendants used excessive force and deprived Harry Smith, III of his rights under the United States Constitution or the Delaware Constitution?

YES _____

NO _____

Instruction:

If your answer is "Yes," go to questions 2 and 3.

If your answer is "No," go to question 4, do not answer questions 2 and 3.

2. Which of the defendants do you find used excessive force and deprived Harry Smith, III of his constitutional rights?

John Ciritella YES _____ NO _____

Thomas Dempsey YES _____ NO _____

Matthew Kurten YES _____ NO _____

3. State the amount you award to the Estate on behalf of Harry Smith, III.

\$ _____

Instruction: Go to question 4.

The State Law Claim For Wrongful Death

4. Do you find by a preponderance of the evidence that any of the defendants wrongfully caused the death of Harry Smith, III?

John Ciritella YES _____ NO _____

Thomas Dempsey YES _____ NO _____

Matthew Kurten YES _____ NO _____

Instruction:

If you answered “Yes,” to any of the above, go to question 5.

If you answered “No” to all of the above you are finished. Do not answer the remaining questions.

5. For each defendant for whom you checked “YES” in response to the previous question, do you find by a preponderance of the evidence this defendant acted with wanton negligence or willful and malicious intent.

John Ciritella YES _____ NO _____ NOT APPLICABLE _____

Thomas Dempsey YES _____ NO _____ NOT APPLICABLE _____

Matthew Kurten YES _____ NO _____ NOT APPLICABLE _____

Instruction:

If you answered “Yes” to any defendant, go to question 6.

If you answered “No” or “Not Applicable” you are finished. Do not answer the remaining questions.

6. For each defendant for whom you checked "YES" in response to the previous question, do you find this defendant used excessive force and acted wantonly or with willful and malicious intent?

John Ciritella YES _____ NO _____ NOT APPLICABLE _____

Thomas Dempsey YES _____ NO _____ NOT APPLICABLE _____

Matthew Kurten YES _____ NO _____ NOT APPLICABLE _____

Instruction:

If you answered "Yes" to any of the above, go to question 7.

If you answered "No" or "Not Applicable" to all of the above, you are finished.

7. State the amount you award to Harry Smith, Jr. and Roslyn Woodward Smith.

\$ _____

Signed this _____ day of April, 2007

Jury Foreperson